

## REMARKS

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2 Applicant requests a change of the status of the office action to  
3 be NON-FINAL. This is because the Claim Rejections - 35 USC §  
4 101, are a new basis of rejections, and were not necessitated by  
5 any applicant's amendment in a response to a previous office  
6 action. Thus the office action should be classified as  
7 NON-FINAL.

8

*The office action states:**Claim Rejections - 35 USC § 101*

9

*Claim 1, 10, 23, 29, 31, and 35, because language appears abstract, ...*

10 Applicant's representative respectfully traverses the grounds of  
11 rejection. There appears to be patentable matter in all claims  
12 as they stood before this response. Applicant's representative  
13 is of the opinion that the invention as claimed is not "an  
14 abstract idea that is not tied to a technological art ... ..,"  
15 as stated in the office action. But indeed it produces a result  
16 employable in applications, including digital signature schemes.  
17 Besides, 35 USC § 101 apparently does not make the grounds stated  
18 in the office action for the 101 rejection, a requirement for  
19 patentability. So all claims are allowable as they stand before  
20 this response.

21 Applicant's representative respectfully requests the patent  
22 office to cite a statute or court decision which validates a 35  
23 USC § 101 rejection of claims based on being "directed to merely  
24 to an abstract idea that is not tied to a technological art,  
25 environment or machine which would result in a concrete, useful,  
26 and tangible result ... .." Especially in light that the  
27 claims in the present invention apparently meet this criteria. A  
28 key-pair, a TCR commitment, etc., are extremely useful. The 35  
29 USC § 101 rejection is apparently contrary to the decision of the  
30 U.S. Court of Appeals for the Federal Circuit in 'AT&T Corp. v.

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1 Excel Communications Inc., ' 172 F.3d 1352 (Fed. Cir. 1999), and  
2 'State Street Bank and Trust Co. v. Signature Financial Group  
3 Inc., ' 149 F.3d 1368, 47 USPQ 2d 1596 (Fed. Cir. 1998).

4 Even though the Office Action rejection is traversed, this  
5 response includes amendments to the claims, made in order to  
6 bring the application to allowance more quickly. The amendments  
7 more particularly overcome the 35 USC 101 rejection in the office  
8 action. A listing of the claims is provided as required in the  
9 new USPTO amendment practice per 37 CFR 1.121.

10 Applicant respectfully states that in order to more quickly  
11 overcome the 101 rejections, Claims 1, 10, 23, 29, 31, and 35, are  
12 amended to even better tie them to a practical application  
13 producing a tangible result. Thus claims 1, 10, 23, 29, 31, and  
14 35, and all claims that depend thereupon are allowable. Thus,  
15 Claims 1-31, 33, 35-44 are allowable. Claims 32 and 34 were  
16 previously canceled. Also new claims 45-47 are allowable.

17 Claim 45, which is a copy of original claim 1 is added. Claim  
18 46, which is a copy of original claim 10 is added. Claim 47,  
19 which is a copy of original claim 29 is added. These are added  
20 to maintain the protection of the original claims for the  
21 applicant, in light of the traversal of the claim rejections  
22 based on 35 USC § 101.

23 It is anticipated that this amendment brings the application to  
24 allowance, and favorable action is respectfully solicited. In  
25 the unlikely event that any claim remains rejected, please  
26 contact the undersigned by phone in order to discuss the  
27 application.

1 Please charge any fee necessary to enter this paper to deposit  
2 account 09-0468.

3 Respectfully submitted,

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The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

